

**Before the State of South Carolina
Department of Insurance**

In the matter of:

SCDOI File Number 04-0215

Rita B. Koon
803 Hope Road
Branchville, S.C. 29432

**Consent Order
Imposing Administrative Penalty and One (1)
Year Probation**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and the above referenced individual, a licensed South Carolina resident insurance producer.

Upon review of this matter, I hereby find as fact that Rita B. Koon, while licensed to do business as a resident insurance producer within South Carolina, at the 14th Judicial Circuit Hampton, South Carolina on April 4, 2004 producer signed a Pre-Trial Intervention Agreement for "Breach of Trust" and to make restitution of \$6,213.59 and forty (40) hours of community service. Furthermore, in the State of South Carolina the producer on affidavit signed and dated July 21, 2004 admitted to "taking money from Ellis Realty & Insurance Agency, Inc., and signing a Prime Rate contract" and "changing the deposits to obtain the funds". Mrs. Koon fully acknowledges her wrongdoing and understands these types of actions can ultimately lead to the suspension or revocation of her license to transact the business of insurance as producer in South Carolina, following a public hearing at the Administrative Law Court, pursuant to SC Code Ann. Section 38-43-130 (Supp. 2005).

After the initiation of an administrative proceeding by the Department against Mrs. Koon, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal administrative hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke respondent's license, she would waive her right to a public hearing, pay a negotiated and consensual administrative penalty in the amount of \$500.00 dollars and be placed on Probation for a period of one (1) year from the date of this Order.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Rita B. Koon violated Section 38-43-130 (A)(4)(Supp. 2005) of the South Carolina Code of Administrative Laws. As a result, I can now take administrative disciplinary action against her insurance producer's license. However, under the discretionary authority provided to me by the General Assembly within SC Code Ann. § 38-2-10(2) (Supp.2005) and carefully considering the recommendation of the parties, I hereby impose against respondent an administrative penalty in the amount of \$500.00 dollars, which she must pay within thirty days from the date of receipt of this Consent Order, and subsequently place her on Probation for a period of one (1) year. Failure to comply with this order will result in the immediate revocation of her licensing privileges without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, in view of the absence of a negative record or complaints within respondent's history, full restitution has been made to the victim and it is made in consideration of her assurances that in the future she shall exercise more caution and fully comply with the Insurance Laws of South Carolina.

This penalty includes all expenses related to the investigation of this matter as provided in § 38-13-70 of the South Carolina Code of Administrative Laws. The parties expressly agree and understand payment of the agreed-upon penalty and the completion of One (1) Year Probation shall constitute full accord and satisfaction of this matter. By her signature upon this consent order, Rita B. Koon acknowledges that she understands that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2005).


Nothing contained within this administrative order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 2005), exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Rita B. Koon shall, within thirty days from the date of receipt of this consent order, pay through the South Carolina Department of Insurance an administrative penalty in the amount of \$500.00 dollars and be placed on One (1) Year Probation.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Mrs. Koon's licensing file.

This consent order becomes effective as of the date of my signature below.

Apr 11, 2007
At Columbia, South Carolina


Scott H. Richardson
Director

I CONSENT:

Rita B. Koon
Signature

Rita B. Koon
Printed Name

Title

Address: 803 Hope Rd.
Branchville, SC
29432

Dated this 28th day of March, 2007.